

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21462 of 2004

Between:

C. Sarladevi, W/o. M. Pamanna,
Bachepalle Village, Allagadda Mandal, Kurnool district.

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool.
- 2 The Revenue Divisional Officer, Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings in RC.E.No.1142/2004, Dt. 03.11.2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent.

Counsel for the Petitioner:MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is a fair price shop dealer of Bachepalle village of Kurnool district. Her authorization was cancelled by the Revenue Divisional Officer, the second respondent, through proceedings dated 03.11.2004. The same is challenged in the writ petition.

Learned counsel for the petitioner submits that the order of cancellation was not preceded by any show cause notice and the procedure prescribed under the A.P. State Public Distribution System Control Order, 2001 was not followed.

Learned Government pleader for Civil Supplies, on the other hand, submits that though the order reads as though the dealership is cancelled, it may be treated as the one of suspension pending enquiry.

This Court is rather surprised and shocked to know that the second respondent, an officer of such a high rank in the Revenue Department, did not understand the distinction between the suspension and cancellation. The concluding portion of the order reads as under:

“In the light of above, the authorization of Smt.C.Sarala Devi, F.P.Shop dealer of Bachepalli village is hereby cancelled for pending enquiry with immediate effect.”

If the authorization is cancelled, it is not known as to what enquiry is proposed to be held further. On the other hand, if enquiry is contemplated, the question of cancellation of authorization before such an enquiry does not arise. It only shows that the second respondent did not have an idea even of fundamentals of administration. In fact, it is a sad reflection as to his nature of administration.

Further, whenever the authorization of a dealer is proposed to be cancelled, an enquiry is to be held informing the dealer of the allegations or charges against him and requiring him to submit explanation. It is on consideration of such explanation that a final order as to cancellation has to be passed. The second respondent has left everything to winds and appears to have passed the order mechanically, obviously at the dictates of someone else. This Court deprecates such a practice.

The writ petition is accordingly allowed. The impugned order dated 03.11.2004 is set aside. There shall be no order as to costs.

24.11.2004

Note:

Issue C.C. in three days.

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To

- 1 The Joint Collector, Kurnool.
- 2 The Revenue Divisional Officer, Nandyal, Kurnool District.
- 3 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.(OUT)
- 4 Two CD copies.